

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:06CR247.5
	§	
RANDY LEE NEWTON	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 18, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Randy Blake.

On November 5, 2007, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 58 months of imprisonment followed by a 5-year term of supervised release for the offense of Conspiracy to Manufacture, Distribute and Possess with Intent to Manufacture, Distribute or Dispense Methamphetamine. Defendant began his term of supervision on March 15, 2011.

On September 16, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 406). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not associate with any persons engaged in criminal activity,

and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.

The Petition alleges that Defendant committed the following violations: (1) On February 7, 2012, Defendant was arrested in Wichita Falls, Texas, by Wichita Falls Police Department for Theft O/\$1,500-U/\$20,000. On June 1, 2012, in Wichita County under cause number 52,040-B TRN 9098632791, Defendant pled guilty to the offense of Theft O/\$500-U/\$1,500 and was sentenced to up to 1 year in jail and a maximum fine of \$4,000. Defendant was subsequently sentenced to 1 day confinement in Wichita County jail and ordered to pay restitution in the amount of \$3,000. On May 17, 2012, in Denton, Texas, Defendant was arrested by Denton Police Department for Engaging in Organized Criminal Activity. Defendant was released on a \$1,500 bond. The Case remains pending in Denton County; and (2) Defendant engaged in ongoing criminal activity as evident by his arrest on February 7, 2012 by Wichita Falls Police Department and his arrest on May 17, 2012, by Denton Police Department. Additionally, Defendant associated with Wesley Scott and Donald Gene Cofer during the aforementioned criminal activity and who have prior felony convictions.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the November 18, 2013 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fourteen (14) months, with no

supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the FCI Fort Worth Bureau of Prisons facilities, if appropriate.

SIGNED this 22nd day of November, 2013.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE